

JOURNAL
OF THE
Constitutional Convention
OF
South Carolina

May 10, 1790—June 3, 1790

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JOURNAL
OF THE
Constitutional Convention
OF
South Carolina

May 10, 1790—June 3, 1790

Edited by
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Chief Clerk of the Historical Commission of South Carolina

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A List of the several Members of the Convention held at Columbia in the State of South Carolina on Monday the 10th day of May 1790. for the purpose of revising, altering, or forming a New Constitution of this State.

Viz^t.

Saint Philips & St Michael, Ch^rston

Charles Cotesworth Pinckney	Elihu Hall Bay
Edward Rutledge	Rev ^d Richard Furman
John Faucheraud Grimké	Rev ^d Dr. Henry Purcell
Thomas Jones	John Drayton
Thomas Pinckney	Samuel Stent
Edward Darrel	
William Johnson	Christ Church
John Julius Pringle	His Excell ^y Charles Pinckney
Thomas Corbett	Arnoldus Vanderhost
Francis Kinloch	John Boone
Christopher Gadsden	William Scott juniör
Daniel Stevens	Joshua Toomer
Thomas Bee	Joseph Manigault
Anthony Toomer	Thomas Shubrick
Thomas Heyward junior	

Saint John, Berkley County

William Moultrie
Henry Laurens junior
Peter Fayssoux

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Saint George Dorchester

Matthias Hutchinson
Thomas Waring (pine Hill)
John Bell
Elisha Hall
Thomas Singleton
William Harley
Morton Waring

William Webb
James Kennedy
William Fishburne
Thomas Pinckney junior
Richard Brook Roberts

Saint Helena

Benjamin Reynolds
Thomas Talbird ¹

Saint James, Goose Creek

¹ Scratched over

John Deas junior
 Peter Gray
 Nathaniel McCants
 William Allen Deas
 James Smith
 Aaron Loockock

Robert Pringle
 George Hypp
 Jacob Guerard
 Robert Barnwell
 James Garvey—
 George Mosse—

Saint Thomas & Saint Dennis

Thomas Screven
 John Huger
 Hopson Pinckney
 Lewis Fogartie
 Thomas Karwon
 Robert Quash
 Evan Edwards

Saint James, Santee

Samuel Warren
 Jacob Bond Ton
 John Bowman
 John Mayrant
 John Gaillard junior
 Thomas Horry
 Samuel Wigfall

Prince George, Winyaw

Samuel Smith

[The lower third of the page has been torn off.]

William D. James

William Frierson

John Dickey

John Ervin

District Eastward of the
 Wateree

John Chesnut

Isham Moore

Laurence Manning

Adam Fowler Brisbane

John Kershaw

Isaac Dubose

William Welch

George Cooper

John Marshall

Thomas Sumter

Richard Champion

Saint John, Colleton County

Daniel Jenkins

Isaac Jenkins

Thomas Seabrook

Joshua Ward

Thomas Bee junior

William Brisbane

John Parker junior

Saint Peter

John Bull

John Fenwick

Peter Porcher junior

Nathaniel Heyward

District of Ninety Six

Arthur Simkins

William Moore

Andrew Hamilton

John Lewis Bourquin junior
 John Lewis Buche
 Archibald Saltus

Prince William

John Alexander Cuthbert
 John Mcpherson
 John Mitchell
 James Maine
 John Lightwood
 William Hazard Wigg

Saint Stephen

Samuel Dubose ¹(declined)
 George Ancrum
 Thomas Cordes
 Peter Porcher junior
 Robert Marion
 John Ewing Calhoun
 Thomas Cordes junior
 George Haig

Little river District

John Hunter
 Rev^d Richard Shackelford
 Thomas Wadsworth
 Daniel Wright
 James Mayson

Upper or Spartan District

Zachariah Bulloch
 John Sanders
 Charles Sims

Joseph Calhoun
 John Lewis Gervais
 William Butler
 Adam Crain Jones
 Benjamin Clark
 Ebenezer Pettigrew
 John Norwood
 Peter Carnes

District of Saxe Gotha

Joseph Culpeper
 Richard Hampton
 Alexander Gillon
 John James Haig
 William Fitzpatrick
 Alexander Bell
 Jonas Beard

Lower District between Broad
 and Saluda river

John Hampton
 Philemon Waters
 George Ruff
 John Lindsey
 James Green Hunt

Saint Matthew

William Thomson
 Charles Starkey Myddelton
 Robert Hails
 John Linton

Orange Parish

Jacob Rumph
 Lewis Golsan
 Rev^d Frederick Dawser

¹ Scratched over

William Kennedy
Thomas Brandon

Dist between Broad & Catawba

Thomas Taylor
Arthur Brown Ross
James Taylor
John Winn
Richard Winn
James Craig
Field Farrar
Joseph Brown
Andrew Dunn
John Bell
John Mills

Dist called the New
Acquisition

William Bratton
William Hill
Andrew Love
Robert Patton
Samuel Watson
Abraham Smith
John McCaw
James Wilson
James Martin
James Mitchell
Francis Adams

Saint David

Zackariah Nettles²

Calvin Spencer
Benjamin Hicks
Lamuel Benton
Robert Ellison
Charles Evans
Morgan Brown
Rev^d Evan Pugh

District between the N^o fork
on Edisto & Savannah river

Rev^d Nathaniel Walker
Walter Robison
James Cook
Daniel Green
Rev^d John Ashley
John Collins
Jesse Winborn

Greenville County

Samuel Earle
John Thomas junior
Robert Maxwell
James Tarrant

Pendleton County

Robert Anderson
Andrew Pickens
John Miller
Samuel Taylor

² Zachariah Nettles's name scratched over.

State of S^c Carolina/ColumbiaMonday May 10th 1790—

In pursuance of the Resolutions of the Legislature of this State of the 6th & 10th days of March 1789 for calling a State Convention to meet this day in the town of Columbia, for the purpose of revising, altering, or forming a New Constitution of this State— The following Delegates being present in the State House—

Viz^t

Christopher Gadsden

Charles Cotesworth Pinckney.....	Thomas Screven
John Julius Pringle.....	Elihu Hall Bay
William Washington.....	Thomas Taylor
Thomas Karwon.....	Henry William Desaussure
George Cooper.....	James Green Hunt
William Frierson.....	Aaron Loockock
Peter Gray.....	Glen Drayton
Lewis Fogartie.....	John Drayton
John Thomas junior.....	Joseph Culpeper
Thomas Singleton.....	Charles Sims
Gracia Rivers.....	John Sanders
Samuel Watson.....	Michael Kalteisen
Thomas T Wickham.....	James Taylor
John Ervin.....	John Dickey
William Fitzpatrick.....	&
John Hampton.....	Samuel Beach,

made choice of Christopher Gadsden Esquire, as their Chairman, who by the desire of the Delegates present adjourned the Convention until to Morrow 11 oClock A. M.

Tuesday, May 11th 1790

The following Delegates of the Convention met according to adjournment

Viz^t

Christopher Gadsden

John Julius Pringle.....	Robert Quash
Anthony Toomer.....	William Hayne

Richard Lushington.....	William Washington
Henry William Desaussure.....	Isaac Hayne
Edward Blake.....	Samuel Warren
Lewis Morris.....	Jacob Bond I'on
Michael Kalbeisen.....	John Gaillard jun ^r
James Theus.....	Thomas Horry
Samuel Beach.....	Samuel Wigfall
Elihu Hall Bay.....	Hugh Giles
John Drayton.....	Nathan Savage
Samuel Stent.....	Shadrick Symons
Arnoldus Vanderhorst.....	William Wilson
Joshua Toomer.....	Thomas T. Wickham
Robert McKelvey.....	William Frierson
Richard Hutson.....	John Dickey
Glen Drayton.....	John Ervin
Gracia Rivers.....	William Brisbane
Mathias Hutchinson.....	Peter Porcher jun ^r
John Bell.....	Archibald Saltus
Elisha Hall.....	John Alexander Cuthbert
Thomas Singleton.....	John McPherson
William Harley.....	John Mitchell
Mortan Waring.....	William HazardWigg
Peter Gray.....	George Ancrum
Aaron Loocock.....	Robert Marion
Thomas Screven.....	Jn ^o Ewing Colhoun
John Huger.....	Thomas Cordes junior
Hopson Pinckney.....	John Kershaw
Lewis Fogartie.....	George Cooper
Richard Campion.....	Charles Sims
Arthur Simkins.....	William Kennedy
William Moore.....	Thomas Taylor
Andrew Hamilton.....	Arthur Brown Ross
Joseph Calhoun.....	James Taylor
John Lewis Gervais.....	} Andrew Dunn }
William Butler.....	
Adam Crain Jones.....	
Ebenezer Pettigrew.....	
John Norwood.....	
Joseph Culpeper.....	} Andrew Love }
John James Haig.....	
William Fitzpatrick.....	
	Robert Patton

Alexander Bell	Samuel Watson
John Hampton.....	John McCaw
George Ruff.....	James Wilson
James Green Hunt	James Martin
John Hunter	Francis Adams
Rev ^d Rich ^d Shackelford	Robert Hails
Thomas Wadsworth.....	Robert Ellison
Daniel Wright.....	Rev ^d : Evan Pugh
Zachariah Bulloch.....	Rev ^d Nathaniel Walker
John Sanders	Walter Robison
James Cook	Daniel Green
Rev ^d John Ashley.....	John Collins
Jesse Winborn	John Thomas junior
Philemon Waters	

and there not being a sufficient number of Delegates presen to proceed on business made choice of Christopher Gadsden Esquire as their Chairman, who by the desire of the Delegates present adjourned the meeting of the Convention until 10 oClock tomorrow Morning—

Wednesday May 12th 1790

The Convention met according to Adjournment—One hundred & thirty five Delegates being present

Viz^t

John Julius Pringle.....	Morton Waring
Thomas Corbett.....	Peter Gray
Christopher Gadsden.....	Nathaniel McCants
Anthony Toomer	Thomas Screven
Richard Lushington.....	John Huger
Henry William Desaussure.....	Hopson Pinckney
Edward Blake	Lewis Fogartie
Lewis Morris	Thomas Karwon
John Blake	Robert Quash
Nathaniel Russell.....	William Hayne
Michael Kalteisen.....	Paul Hamilton
James Theus.....	Joseph Wilkinson
Samuel Beach.....	William Washington
Elihu Hall Bay.....	Isaac Hayne
John Drayton	Benjamin Reynolds

Samuel Stent.....	Samuel Warren
Arnoldus Vanderhorst.....	Jacob Bond Ton
Joshua Toomer.....	John Gaillard junior
Peter Fayssoux.....	Thomas Horry
Keating Simons.....	Samuel Wigfall
Francis Marion.....	Hugh Giles
Robert McKelvey.....	Nathan Savage
Richard Hutson.....	Shadrick Symons
Glen Drayton.....	William Wilson
Gracia Rivers.....	Thomas T Wickham
Matthias Hutchinson.....	William Frierson
John Bell.....	John Dickey
Elisha Hall.....	John Ervin
Thomas Singleton.....	Daniel Jenkins
William Harley.....	Isaac Jenkins
Thomas Seabrook	John Hunter
Joshua Ward	Richard Shackelford
William Brisbane	Thomas Wadsworth
Peter Porcher junior	Daniel Wright
Archibald Saltus	Zachariah Bulloch
John Alexander Cuthbert	John Sanders
John McPherson	Charles Sims
John Mitchell	William Kennedy
William Hazard Wigg	Thomas Taylor
George Ancrum	Arthur Brown Ross
Peter Porcher junior	James Taylor
Robert Marion	John Winn
John Ewing Colhoun	James Craig
Thomas Cordes junior	Joseph Brown
John Chesnut	Andrew Dunn
Adam Fowler Brisbane	John Bell
John Kershaw	William Bratton
Isaac Dubose	Andrew Love
William Welch	Robert Patton
George Cooper	Samuel Watson
John Marshall	John McCaw
Richard Champion	James Wilson
Arthur Simkins	James Martin
William Moore	Francis Adams
Andrew Hamilton	Robert Hails

Joseph Calhoun
 John Lewis Gervais
 William Butler
 Adam Crain Jones
 Ebenezer Pettigrew
 John Norwood
 Joseph Culpeper
 John James Haig
 William Fitzpatrick
 Alexander Bell
 Jonas Beard
 John Hampton
 Philemon Waters
 George Ruff
 James green Hunt

Robert Ellison
 Rev^d Evan Pugh
 Rev^d Nathaniel Walker
 Walter Robison
 James Cook
 Daniel Green
 Rev^d John Ashley
 John Collins
 Jesse Winborn
 &
 John Thomas junior

they made choice of Christopher Gadsden Esquire as their Chairman, when they proceeded to the Election of a President—Upon casting up the Ballots, it appeared that his Excellency Charles Pinckney Esquire Governor and Commander in Chief, in and over this State was duly elected president of the Convention.

The Convention then made choice of John Sandford Dart as their Secretary—They also made choice of Ralph Atmar & John Calvert Gentlemen, as—their Messengers—

A Motion was made and seconded that a Committee be appointed to wait on his Excellency the Governor the President elect to acquaint him of his election, which being agreed to the following Gentlemen were accordingly appointed— Viz^t

The Honorable Richard Hutson
 The Honorable Thomas Taylor & the Honorable James Taylor—

Mr Hutson from the Committee appointed to wait on his Excellency the Governor reported that Mr Thomas Taylor & Mr. James Taylor together with himself had waited on the Governor and informed him of his election as president of the Convention—when his Excellency said that he would attend the Convention immediately and reply in person—

His Excellency the Governor accordingly attended and Mr Chairman having informed him of his Election as President to the Convention— His Excellency having politely thanked the

Convention for the Honor they had done him in electing him their President—took the Chair accordingly—

The Resolutions of the Legislature of the 6th & 10th days of March in 1789, for calling a State Convention to assemble at Columbia on Monday the 10th day of May 1790. for the purpose of revising, altering, or forming a new Constitution of this State, were read to the Convention—

A Motion was made and seconded that a Committee be appointed to draw up Rules & Orders to be observed by the Delegates of the Convention, which being agreed to the following Gentlemen were accordingly appointed—

Viz^t

Major Heyward

Mr John Ewing Colhoun & Mr Desaussure

A Motion was made and seconded that a Committee on Elections be appointed—which being agreed to the following Gentlemen were appointed—

Viz^t

General Pinckney

Mr John Julius Pringle & Colo Vanderhorst

And then the Convention adjourned until to morrow Morning 10 oClock—

Thursday May 13th 1790

The Convention met according to adjournment, and the journals of the 10th.. 11th & 12th were read—

Major Heyward from the Committee appointed to draw up Rules and Orders to be observed by the Delegates of the Convention, delivered in a Report.

Ordered that the said Report be taken into immediate consideration, which being read through and after amendments made & Ordered that the Rules and Orders be fairly inposed, signed by the President and affixed to the Wainscot. was agreed to and is as follows. Viz^e

(Here insert them)¹.

¹ The rules have not been recorded in the journal.

General Pinckney from the Committee on Elections delivered in a Report—

Ordered that the said Report be taken into immediate consideration, which being read through was agreed to, and is as follows— Viz^e

(Here insert them)².

On Motion

Ordered that the Secretary of this Convention with letters to such of the Managers of Elections as have not made their returns of persons elected Delegates to Convention in their several Parishes & Districts that they do immediately make them, and where Notices have not been given for Elections were there are Vacancies, that they hold them as soon as they can legally do so—

On Motion

Resolved that this Convention will Resolve itself into a Committee of the whole tomorrow Morning at 9 oClock in order to take into consideration the Resolutions of the Legislature of this State of March y^e 6th & 10th 1789 for calling a Convention of the People for the purposes of revising, altering, or forming a new Constitution of this State—

And then the Convention adjourned to 9 oClock to morrow Morning—

Friday May 14th 1790

The Convention met according to adjournment Read the Journals of yesterdays proceedings—

The orders of the day being read

The Convention resolved itself into a Committee of the whole, in order to take into consideration the Resolutions of Legislature of this State of y^e 6th & 10th days of March, 1789 for calling a Convention of the People for the purposes of revising, altering, or forming a new Constitution of this State—

Mr President left the Chair

Mr Hutson took the Chair of the
Committee

Mr President resumed the Chair

² This report has not been recorded in the journal.

Mr Hutson reported from the Committee that they had made some progress, and that he was desired by the said Committee to move that they may have leave to sit again

Resolved that this Convention will tomorrow Resolve itself into a Committee of the whole upon the further consideration of revising, altering, or forming a new Constitution of this State.

Resolved that Richard Lushington Esquire be appointed Cashier & William Leath junior Esquire Deputy Cashier to the Convention with the usual powers—

A Motion was made & seconded that a Committee be appointed to Report what progress has been made in the execution of an Ordinance to amend and carry into effect An Act entitled “An Act to procure a Census of the free white Inhabitants of this State and for ascertaining the taxable property in this State” which being agreed to the following Gentlemen were accordingly appointed. Viz^e

Commo Gillon

Mr Pringle

Dr. Fayssoux

And then the Convention adjourned 'till to morrow Morning 9 oClock.

Saturday May 15th 1790

The Convention met according to adjournment. Read the Journals of yesterdays proceedings—

A Motion was made and seconded that the Rev^d: Mr Furman a Delegate of this Convention be requested to perform divine service in the Convention Chamber to morrow Morning at 10 oClock—

On the Question being put

It was Unanimously agreed to—

General Pinckney from the Committee on Elections delivered in a report—

Ordered that the Report be taken into immediate consideration, which being read through was agreed to and is as follows—

Viz^e—

Report

That Andrew Dunn Esquire is returned a Member for the District between Broad & Catawba rivers, and that he has been

a resident in the said State & District for the space of near three Years, & has taken an Oath of Allegiance & fidelity to the State before a Justice of Peace, but has not complied with the terms of the late Act of Congress relative to naturalization, & therefore he is not yet a Citizen, tho' entitled to Citizenship. Your Committee therefore recommend that on his complying with the Terms required by the said Act (which he declared to your Committee he is willing to do so) that he be admitted to take his seat as a member of the Convention—

Your Committee further report that the Returning Officer for the parish of Goose creek had made no return of Aaron Loockock Esquire a Delegate elected for that parish— They therefore examined Witnesses on the Subject; and it appeared from the testimony of some of the Delegates from the said parish, that the said Aaron Loockock was duly elected a Delegate to represent the same in Convention—Your Committee therefore recommend that he be admitted to a seat in the Convention as a Member for Saint James's Parish Goose-creek—

Commo: Gillon from the Committee appointed to report what progress has been made in the execution of an Ordinance to amend and carry into effect An Act intituled "An Act to procure a Census of the free white Inhabitants of this State and for ascertaining the taxable property in this State" delivered in a Report, which was received and read—

Ordered that the report do lie on the table for the information of the Delegates—

The order of the day being read

The Convention resolved itself into a Committee of the whole to take into their further consideration the Resolutions of the Legislature of this State of the 6th & 10th days of March 1789 for calling a Convention of the People for the purposes of revising, altering, or forming a new Constitution of this State.

Mr. President left the Chair

Mr Hutson took the Chair of the Committee.

Mr. President resumed the Chair.

Mr Hutson reported from the Committee that they had made further progress, and that he was desired by the said Committee to move that they may have leave to sit again—

Resolved that this Convention will to morrow Resolve itself into a Committee of the whole upon the further consideration of revising, altering or forming a new Constitution of this State—

And then the House adjourned 'till Monday morning 10^oClock—

Monday May y^e 17th. 1790

The Convention met according to adjournment

Read the Journals of Saturdays proceedings

On Motion

Resolved N. C: that the thanks of this Convention be returned to the Reverend M^r Furman for the able and well chosen discourse delivered to the Convention yesterday forenoon in pursuance of their request.

The Reverend M^r Furman being in his place the President returned him the thanks of this Convention accordingly—

On Motion

Resolve that the Reverend Henry Purcell DD be requested to read prayers and prepare a suitable discourse to be delivered in the Convention Chamber on Sunday morning next 10 ^oClock.

The order of the Day being read

The Convention resolved itself into a Committee of the whole to take into their further consideration the Resolutions of the Legislature of this State of the 6th & 10th days of March 1789 for calling a Convention of the people for the purposes of revising, altering, or forming a new Constitution of this State

M^r. President left the Chair

M^r Hutson took the Chair of the Committee

M^r President resumed the Chair.

M^r Hutson reported from the Committee that they had made further progress, and that he was desired by the said Committee to move that they may have leave to sit again

Resolved that this Convention will to morrow Resolve itself into a Committee of the whole upon the further consideration of revising, altering or forming a new Constitution of this State—

And then the House adjourned 'till to morrow Morning—
9 ^oClock—

Tuesday May y^e 18th 1790

The Convention met according to adjournment

Read the Journals of Yesterdays proceedings

Ordered that Mr Dubose have leave of absence for a few days—

The order of the day being read—

The Convention resolved itself into a Committee of the whole to take into their further consideration the Resolutions of the Legislature of this State of the 6th & 10th days of March 1789 for calling a Convention of the people for the purpose of revising, altering or forming a new Constitution of this State.

Mr President left the Chair

Mr Hutson took the Chair of the Committee

Mr President resumed the Chair

Mr Hutson reported from the Committee that they had made further progress, and that he was desired by the said Committee to move that they may have leave to sit again

Resolved that this Convention will to Morrow Resolve itself into a Committee of the whole upon the further consideration of revising, altering or forming a new Constitution of this State—

And then the Convention adjourned 'till to morrow Morning 9 oClock—

Wednesday May y^e 19th 1790

The Convention met according to adjournment Read the Journals of yesterdays proceedings—The orders of the Day being read

The Convention resolved itself into a Committee of the whole to take into their further consideration the Resolutions of the Legislature of this State of the 6th & 10th days of March 1789 for calling a Convention of the people, for the purposes of revising, altering or forming a new Constitution of this State—

Mr President left the Chair

Mr Hutson took the Chair of the Committee

Mr President resumed the Chair

Mr Hutson reported from the Committee that they had made further progress, and that he was desired by the said Committee to move that they may have leave to sit again

Resolved that this Convention will to Morrow morning resolve itself into a Committee of the whole upon the further consideration of revising, altering or forming a new Constitution of this State.

A Motion was made & Seconded that a Committee of Privileges be appointed, which being agreed to the following Gentlemen were accordingly appointed—viz—

Mr. J. F. Grimke

Mr. A : Vanelerhost—	Mr John Deas jun ^r —	Mr Robt. Pringle
Mr William Monchie—	Mr John Huger—	Mr Samuel Warren
Mr Ralph Izard junior—	Mr. Paul Hamilton—	Mr Hugh Giles
Mr Thomas Waring—	Mr Isaac Hayne—	Mr Robert Heriot
Mr William D. James	Mr Zachariah Bulloch	
Mr Thomas Bee junior.....	Mr Thomas Taylor	
Mr John A. Cuthbert	Mr Samuel Watson	
Mr John Bull.....	Mr William Thomson	
Mr John Ewing Colhoun	Mr Lewis Golsan	
Mr John Chesnut	Mr Calvin Spencer	
Mr John Lewis Gervais.....	Rev ^d Nathaniel Walker	
Mr. Alexander Gillon.....	Mr John Thomas	
Mr James Green Hunt.....	&	
Mr John Hunter.....	Mr Robert Anderson	

And then the House adjourned 'till to morrow Morning 9 o'Clock

Thursday May ye 20th 1790

The Convention met according to adjournment

Read the Journals of Yesterdays proceedings.

The order of the Day being read—

The Convention resolved itself into a Committee of the whole to take into their further consideration the Resolutions of the Legislature of this State of the 6th & 10th days of March 1789, for calling a Convention of the people, for the purposes of revising, altering or forming a new Constitution of this State.

Mr. President left the Chair

Mr Hutson took the Chair of the Committee

Mr President resumed the Chair

Mr Hutson reported from the Committee that they had made further progress, and that he was desired by the said Committee to move that they may have leave to sit again—

Resolved that this Convention will to morrow Morning Resolve itself into a Committee of the whole, upon the further consideration of revising, altering, or forming a new Constitution of this State

And then the Convention adjourned 'till to morrow Morning 9 o'Clock

Friday May 21st 1790

The Convention met according to adjournment

Read the Journals of Yesterdays proceedings

The order of the Day being read

The Convention resolved itself into a Committee of the whole to take into their further consideration the Resolutions of the Legislature of this State of the 6th & 10th days of March 1789, for calling a Convention of the people for the purposes of revising, altering or forming a new Constitution of this State—

Mr President left the Chair

Mr Hutson took the Chair of the Committee

Mr. President resumed the Chair

Mr Hutson reported from the Committee that they had made further progress, and that he was desired by the said Committee to move that they may have leave to sit again—

Resolved that this Convention will to morrow Morning resolve itself into a Committee of the whole upon the further consideration of revising, altering or forming a new Constitution of this State—

And then the Convention adjourned 'till to morrow Morning 9 o'Clock

Saturday May 22^d 1790

The Convention met according to adjournment

Read the Journals of Yesterdays proceedings

Ordered

That Mr. Evans have leave of absence 'till Monday next—

The order of the Day being read

The Convention resolved itself into a Committee of the whole, to take into their further consideration the Resolutions of the Legislature of this State of the 6th & 10th days of March 1789, for calling a Convention of the people for the purposes of revising, altering, or forming a new Constitution for this State—

Mr. President left the Chair

Mr Hutson took the Chair of the Committee

Mr President resumed the Chair

Mr Hutson reported from the Committee that they had made further progress, and that he was desired by the said Committee to move that they may have leave to sit again—

Resolved that this Convention will on Manday morning Resolve itself into a Committee of the whole, upon the further consideration of revising, altering or forming a new Constitution of this State—

And then the Convention adjourned 'till Monday Morning 9 oClock.

Monday May 24th 1790

The Convention met according to adjournment.

Read the Journals of Saturdays proceedings—

Ordered

That Mr. Chesnut have leave of absence on a account of his ill state of Health.

Resolved unanimously

That the thanks of this Convention be returned to the Reverend Henry Purcell DD for the able and well chosen discourse delivered to the Convention yesterday forenoon in pursuance of their request—

The Reverend Doctor Purcell being in his place, the president returned him the Thanks of this Convention accordingly—

On Motion

Resolved/

That the Gentlemen of the Clergy Members of the Convention be requested to make it convenient to each other, so that one perform divine service every Sunday, during the sitting of the Convention—

The order of the Day being read

The Convention resolved itself into a Committee of the whole to take into their further consideration the Resolutions of the Legislature of this State of the 6th & 10th days of March 1789, for calling a Convention of the people for the purposes of revising, altering or forming a new Constitution of this State—

Mr President left the Chair

Mr. Hutson took the Chair at the Committee

Mr. President resumed the Chair

Mr Hutson reported from the Committee that they had made further progress, and that he was desired by the said Committee to move that they may have leave to sit again—

Resolved that this Convention will tomorrow Morning Resolve itself into a Committee of the whole, upon the the further consideration of revising, altering, or forming a new Constitution of this State

And then the Convention adjourned 'till to morrow Morning 9 oClock

Tuesday May 25th 1790

The Convention met according to adjournment

Read the Journals of Yesterdays proceedings—

Ordered

That Mr Spencer have leave of absence on account of his ill state of health—

The order of the Day being read

The Convention resolved itself into a Committee of the whole, to take into their further consideration the Resolutions of the Legislature of this State of the 6th & 10th days of March 1789, for calling a Convention of the people for the purposes of revising, altering or forming a new Constitution of this State—

Mr. President left the Chair

Mr Hutson took the Chair of the Committee

Mr President resumed the Chair

Mr Hutson reported from the Committee that they had made further progress, and that he was desired by the said Committee to move that they may have leave to sit again—

Resolved

That this Convention will to Morrow morning Resolve itself into a Committee of the whole upon the further consideration of revising altering or forming a new Constitution of this State—

And then the Convention adjourned 'till to-morrow Morning 9 oClock

Wednesday 26th: 1790

The Convention met according to adjournment.

Read the Journals of Yesterdays proceedings

The order of the Day being read—

The Convention resolved itself into a Committee of the whole, to take into their further consideration the Resolutions of the Legislature of this State of the 6th & 10th days of March 1789 for calling a Convention of the people for the purpose of revising, altering or forming a new Constitution of this State—

Mr. President left the Chair

Mr Hutson took the Chair of the Committee

Mr. President resumed the Chair—

Mr Hutson reported from the Committee that they had made further progress, and that he was desired by the said Committee to move that they may have leave to sit again—

Resolved/

That this Convention will to morrow morning Resolve itself into a Committee of the whole upon the further consideration of revising altering or forming a new Constitution of this State—

And then the Convention adjourned 'till to morrow Morning 9 oClock

Thursday May y^e 27th 1790

The Convention met according to adjournment

Read the Journals of yesterdays proceedings—

A Motion was made by Mr Edward Rutledge & seconded by General Gadsden that a Committee be appointed to draw up a Congratulatory Address to George Washington, on his appointment as President of the United States—which being Unanimously agreed to, the following Gentlemen were accordingly appointed—Viz^t

Mr. Edward Rutledge

Mr Kinloch & Mr John Julius Pringle—

Mr Hutson from the Committee of the whole Convention, delivered in a partial Report, which being read through.

Ordered that it be referred to a Committee of Arrangements to Consist of fourteen, two Members to be taken from each Circuit district—which being agreed to the following Gentlemen were accordingly appointed, viz

Mr. C. C. Pinckney	{	Charleston District
Mr Edward Rutledge		
Mr. Robert Heriot	{	George town Dist
Mr William Wilson		
Mr John Bull	{	Beaufort D—
Mr. Robert Barnwell		
Mr. Richard Hampton	{	Orangeburgh Dist.
Mr. Daniel Greene		
Mr Adam F Brisbane	{	Camden District
Mr. John Winn		
Mr Lamuel Benton	{	Cheraw District
Mr Morgan Brown		
Mr. Robert Anderson	{	Ninety six District
Mr John Hunter		

The order of the Day being read—

The Convention resolved itself into a Committee of the whole to take into their further consideration the Resolutions of the Legislature of this State of the 6th & 10th days of March 1789, for calling a Convention of the people, for the purposes of revising, altering or forming a new Constitution of this State.

Mr President left the Chair.

Mr Hutson took the Chair of the Committee.

Mr President resumed the Chair

Mr Hutson reported from the Committee that they had made further progress, and that he was desired by the said Committee to move that they may have leave to sit again—

Resolved, that this Committee¹ will to-morrow Morning resolve itself into a Committee of the whole upon the further consideration of revising altering or forming a new Constitution of this State

And then the Convention adjourned 'til to-morrow Morning 9 oClock—

¹ Should have been Convention.

Friday May y^e 28^h 1790

The Convention met according to adjournment

Read the Journals of Yesterdays proceedings—

Mr. Hutson from the Committee of the whole Convention, delivered in a further partial Report which being read through—

Ordered that it be referred to the Committee of Arrangements—

Ordered/

That Mr. Harley & Mr. Grimké have leave of absence on account of their ill state of health—

The order of the Day being read

The Convention resolved itself into a Committee of the whole, to take into their further consideration the Resolutions of the Legislature of this State of the 6^h & 10th days of March 1789, for calling a Convention of the people for the purposes of revising, altering, or forming a new Constitution of this State—

Mr. President left the Chair

Mr Hutson took the Chair of the Committee

Mr. President resumed the Chair

Mr Hutson reported from the Committee that they had made further progress, and that he was desired by the Committee to move that they have leave to sit again—

Resolved that this Convention will to morrow Morning resolve itself into a Committee of the whole, upon the further consideration of revising altering or forming a new Constitution of this State.

And then the Convention adjourned 'till to morrow Morning 9 o'Clock—

Saturday May 29^h 1790

The Convention met according to adjournm't

Read the Journals of Yesterdays proceedings—

On Motion/

Resolved that 'tis highly necessary the Accounts of the Commissioners of the Treasury be examined and settled at least Once in every year by the Legislature in case of their Neglect of this Momentary duty to the public, or if the Security, or Securities of any such Commissioner or Commissioners be not legally called

upon to answer any Deficiencies that may happen in their Accounts of such Commissioner or Commissioners within

Months after any such Commissioner or Commissioners shall have died or left such office, such Security or Securities shall be looked upon as discharged from his or their Securityship—

Ordered that it be referred to the Committee of Arrangements—

On Motion

Whereas it is essential to the rights and interest of the Citizens of this State that the Laws which govern them, should be fully known and published

Resolved

That the Legislature shall as soon as possible, revise, digest, alter or make new all the Statutes of Great Britain now in force here, and which they may deem necessary for the benefit of the State, also all the Laws, heretofore passed by the Legislature of this Country, so as to have them connected and brought into one view, and all those found unnecessary shall be repealed—

On motion

Resolved that no person or persons whatever shall be intitled to exclusive privileges respecting Civil progress at Law except as is excepted in Section¹ Article¹ of this Constitution—stitution—

Ordered that the Resolutions be referred to the Committee of Arrangements in order that they become a part of the Bill of rights—

The order of the Day being read

The Convention resolved into a Committee of the whole to take into their further consideration the Resolutions of the Legislature of this State of the 6th & 10th days of March 1789 for calling a Convention of the people for the purposes of revising altering or forming a new Constitution of this State—

Mr President left the Chair

Mr Hutson took the Chair of the Committee

Mr. President resumed the Chair

Mr. Hutson reported from the Committee that they had gone through the consideration of the Resolutions of the Legislature of this State of the 6^h & 10^h days of March 1789 for calling a

¹ Number of Section and Article not filled in Journal.

Convention of the people for the purposes of revising, altering or forming a new Constitution of this State, and was ready to compleat their Report thereon when the Convention will be pleased to receive the same

Ordered

That the Report be received immediately

Mr Hutson according to order reported from the Committee of the whole to whom the consideration of the Resolutions of the Legislature of this State of the 6th & 10th days of March 1789 for calling a Convention of the people for the purposes of revising, altering, or forming, a new Constitution of this State, that they had gone through the Consideration thereof, and had come to Several Resolutions which he read in his place—and afterwards it was read by the Secretary of the Convention—

Ordered that the report be referred to the Committee of Arrangements—

Ordered

That Mr Saltus have leave of absence, that Gen^l Winn, Commo Gillon & Mr Darrell have leave of absence till Wednesday Morning next

And then the Convention adjourned 'till Monday forenoon next 11 o'Clock—

Monday May y^e 31st 1790

Read the Journals of Saturdays proceedings—

Resolved Unanimously

That the thanks of this Convention be returned to Mr Hutson, for his able and impartial execution of the duties of the Chair while he acted as Chairman of the whole—

Mr Hutson being in his place, his Excellency the President of the Convention returned him the thanks of this Convention accordingly

Mr Edward Rutledge from the Committee appointed to draw up a Congratulatory Address to George Washington, President of the United States—delivered in an address which he read in his place, and afterwards it was read by the Secretary of the Convention—

On Motion

Resolved that the Address be agreed to.—

On the Question being put

It passed in the affirmative & is as follows. Viz^t (to be inserted here)A

Ordered

That the Address be fairly engrossed, signed by his Excellency the Governor, and by him transmitted to the Delegates of this State in the Congress of the United States to be by them presented to the President of the United States.

A To the President of the United States Sir,

We the people of the State of South Carolina now met, & sitting in Convention, beg leave to address You, & to embrace this first opportunity, which has been afforded us, of congratulating You on your election to the high, and important station of President of the United States— Such, Sir, has been the impression made upon the publick mind by a due sense of your eminent service, and such the affection of a Nation, whose dearest rights you have defended, that one wish pervaded the whole Continent of placing you at the head of the Federal Republick, and of enjoying under your protection, as our first Magistrate, the blessings of that free government, for the attainment of which we are so much indebted to your exertions as our General—

The promises of your earlier life, Sir, had prepared your fellow citizens for your acceptance of the military command in the year 1775, when dangers and difficulties surrounded on all sides, and the prospect was dark, and gloomy, but they must ever remember with gratitude & admiration the wisdom and energy of that system, which could induce Men accustomed to the most perfect equality to submit to the rigorous duties of a camp, and thus convert the tumultuary array of an undisciplined yeomanry into a permanent force capable of making head against the Veteran army of our Enemies: with similar sentiments do they call to mind the efforts of that heroick fortitude which despaired not in worst of times, but rose superior to every misfortune, infusing new spirit into the bosoms of an unfortunate army, and animating them by the force of example to undergo the severest toil with alacrity, and to endure with perserverance the most accumulated distress—

It was the will of an all-wise Providence that the great object we were contending for, should not be attained without some difficulty, and that we should be taught to observe, and to value the virtues, which spring up in adversity; but the time of our severe trial was at length to terminate, the cloud which had hover'd over us so long was at length dispell'd, and the sun of American Glory appear'd in it's full splendour: to have borne this change of fortune with equanimity, to have employed the last hours of command in reconciling our gallant soldiers to a disappointment which their long sufferings during the war had but ill prepared them for, and having checked the rage of civil discord in it's infancy, to have resigned all power, and cheerfully descended into the walks of private life, are circumstances that must forever illumine the page of History, and which, as they can never be effaced from our remembrance, so we trust they will be deeply engraven upon the minds of our Posterity:—to transmit to that Posterity in it's native purity the spirit of a free constitution is the hope which animates us all, we hope also, that they will learn from us to cherish every grateful sentiment towards You, Sir, and that they will be proud, as we are, to participate individually in the honour which America may so justly claim to herself, of having produced a citizen whose love of glory was devoid of ambition, whose view embraced no objects but the freedom and the happiness of his Countrymen, whose integrity was equal to their most unbounded confidence, and who, combining the prudence of retreat, with all the active valour of attack, was at once the shield and the sword of his native country—

The tranquillity of retirement after the dangers of war and the fatigues of publick life, is one of those rewards which exalted merit seems ever entitled to, but which your fellow citizens were constrain'd to deny you; Independency had been established, but the arduous task of internal Legislation still remained, and the United States were yet to establish upon the firmest Basis that station amongst the nations of the earth which they had of Right assumed; called upon for this sacred purpose, You have listened, Sir, to the voice of your country, you have given a further proof of your never failing attachment to her interests, and we can only hope, in the warmest wishes which we form for the good of the publick weal, that your administration in

the office of President of the United States may be as prosperous as your acceptance of it has been honorable and Patriotick.

We will not, Sir, by thus giving way to the effusions of our hearts any longer intrude upon that time which is devoted to the general good, but concluded with offering up our prayers to the great Father of the Universe, that he may be pleased to shed his influence over all your Councils, and that having saved your country, and given an awful lesson to all mankind, you may finally in the fullness of your years, close the long glories of an illustrious life—not only with the consciousness of having deserved, but with the comfort, and satisfaction of having received every proof of respect, and esteem from the heartfelt gratitude of your fellow citizens—

On Motion

Resolved that the Legislature, shall in their first Session under this Constitution regulate and establish by Laws all the Fees of the respective Courts & Offices throughout the State—

Ordered that the Resolution be referred to the Committee of Arrangements—

General Pinckney from the Committee of detail & arrangements, delivered in a partial report—

Ordered

That two hundred and twenty Copies of the report be printed for the information of the Delegates, against to morrow Morning—

On Motion

Resolved

That the person of a debtor, where there is not a strong presumption of fraud, shall not be continued in prison, after delivering up bona fide all his Estate real and personal for the use of his Creditors

All prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident, or presumption great—

Ordered that the Resolution be referred to the Committee of Arrangements—

And then the Convention adjourned 'till to morrow forenoon 11 o'Clock—

Tuesday June 1st. 1790

The Convention met according to adjournment

Read the Journals of yesterdays proceedings—

General Pinckney from the Committee of detail and Arrangements, delivered in a further report which he read in his place, and afterwards it was read a first time by the Secretary of the Convention—

And then the Convention adjourned 'till to morrow Morning 9 oClock—

Wednesday June y^e 2^d 1790

The Convention met according to adjournment

Read the Journals of Yesterdays proceedings

The Convention proceeded to the Second reading of a draught of the Constitution of the State of South Carolina, as reported by the Committee of—details and arrangements—A Motion was made and seconded that the following Resolution be incorporated into the Constitution. Viz^t

Resolved

That no person shall be eligible as a Senator to represent this State in the Senate of the Federal Government for a longer term than Six years out of twelve years—

That no person who shall have represented the Citizens of this State in the House of Representatives of the federal government for four years shall be eligible until the expiration of four years from the end of his last term of Service—

On the Question being put to agree to the same—

It passed in the Negative—the Constitution as reported, after amendments made, and being read through, was agreed to—Ordered that it be read a third time to morrow—

And then the Convention adjourned 'till to morrow Morning 9 oClock—

Thursday June y^e 3rd 1790

The Convention met according to adjournment

Read the Journals of yesterdays proceedings

The Convention proceeded to take into consideration the Resolutions respecting the manner of holding & conducting the Elec-

tions of Senators and Members of the House of Representatives on the second Monday in October next—as reported by the Committee of detail and arrangements which being read through and after Amendments they were agreed to—and are as follows—Viz^t—

(Here insert them)¹

On Motion of Gen^l Pinckney & seconded by Gen^l Gadsden—
Resolved/Nem:Con/

That his Excellency the President of this Convention, do at the next meeting and sitting of the Legislature recommend to them to provide a sum of Money for paying of the Secretary, Messengers, and for other expenses incurred by this Convention—

The Convention proceeded to the Third reading of the Constitution of the State of South Carolina as reported by the Committee of detail & arrangements—On reading the first section, Article y^e 2nd last line—A Motion was made and seconded that the word “two” be struck out and to insert the word “Four”. On the Question being put to agree to the same, The Ayes and Noes were required by Ten Members and are as follows—Viz^t

(Here insert them)²

Ayes 50-votes— Noes 106-Votes—

So the Question was lost

the Constitution being read through—And his Excellency the President having put the same to a passing —

It was Unanimously
adopted—

.Ordered

That the Constitution be fairly engrossed, and that the Committee of detail and arrangements be instructed to compare and inspect the same from the Original draught—

Ordered that five hundred Copies of the Constitution be printed for the use of the Delegates—

His Excellency The President stated to the Convention that as the 10^h Article respecting the Division of the Offices and the residence of the Executive officers of the Government did not express whether the same was to operate immediately, or

¹ They were not so inserted.

² List not given in the Journal

not until after the meeting & sitting of the next legislature it became him to request the Opinion of the Convention on the following Question.

Viz^t

“Is it the Determination of the Convention that the Executive shall carry the intention of the Constitution expressed in the 10th: Article into effect as soon as it can conveniently be done”

Upon the Question being put—

It was Unanimously resolved in the affirmative

On Motion of Mr John Julius Pringle & seconded by Mr DeSaussure—

Resolved that the Secretary of this Convention be instructed to return the thanks of the Convention to his Excellency the President thereof, for his unremitting attention to, and faithful discharge of the duties of that office—

In pursuance of the order of the Convention the Secretary returned the thanks of the Convention to his Excellency the President accordingly—

General Pinckney reported to the Convention the engrossed Constitution of this State with the Great seal of the State affixed thereto & is as follows

(Here insert it) ³

Ordered that his Excellency the President do sign the same, and that the Secretary of the Convention do Attest the same, and that it be lodged in the Secretary's office of this State, to remain with the Archives of this State—

On Motion of General Gadsden & Seconded by Mr John Huger—

Resolved that this Convention do now dissolve themselves—His Excellency the President dissolved the Convention accordingly—

³ It was not so inserted.

APPENDIX

The following were members of the convention whose names should have appeared on the leaf from which a part was torn, as shown in the text. These names were obtained from the warrants of pay issued to the members of the Convention.

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Drayton, Charles

Drayton, Jacob

Fishburne, William

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